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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/934,082 08/22/2001		Nicholas Alan Timothy Colford	045636-5050	7370	
9629	7590	05/16/2003			
		BOCKIUS LLI	EXAMINER		
1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004				HYLTON, ROB	IN ANNETTE
				ART UNIT	PAPER NUMBER
				3727	9
				DATE MAILED: 05/16/2003	7

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
· · ·	09/934,082	COLFORD ET AL.				
Office Action Summary						
Cince rionen Cummun,	Examiner A Multon	Art Unit				
The MAILING DATE of this communication ap	Robin A. Hylton	th th_correspond_nce address				
Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status						
1) Responsive to communication(s) filed on 24	February 2003 .					
2a)⊠ This action is FINAL. 2b)□ T	his action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims	. Hanakları					
4) Claim(s) 1 and 3-14 is/are pending in the app						
4a) Of the above claim(s) is/are withdra	iwn from consideration.					
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1.3 and 12-14</u> is/are rejected.						
	7) Claim(s) <u>4-11</u> is/are objected to.					
8) Claim(s) are subject to restriction and/or election requirement. Application Papers						
9)☐ The specification is objected to by the Examin	er					
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the						
11)☐ The proposed drawing correction filed on	• , ,	• •				
If approved, corrected drawings are required in re						
12) ☐ The oath or declaration is objected to by the E	xaminer.					
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreig	n priority under 35 U.S.C. §	119(a)-(d) or (f).				
a) ☐ All b) ☐ Some * c) ☐ None of:						
1.☐ Certified copies of the priority documen	ts have been received.					
2. Certified copies of the priority documen	ts have been received in Ap	oplication No				
Copies of the certified copies of the pricapplication from the International B See the attached detailed Office action for a lis	ureau (PCT Rule 17.2(a)).	_				
14) ☐ Acknowledgment is made of a claim for domes	tic priority under 35 U.S.C. §	§ 119(e) (to a provisional application).				
a) ☐ The translation of the foreign language pr 15)☐ Acknowledgment is made of a claim for domes						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Ir	Summary (PTO-413) Paper No(s) Informal Patent Application (PTO-152)				
U.S. Patent and Trademark Office PTO-326 (Rev. 04-01) Office A	ction Summary	Part of Paper No. 9				

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DETAILED ACTION

Response to Amendment

1. As applicant did not wish to further amend the claims to place the application in condition for allowance (see the attached interview summary form), an action the merits follows.

Claim Objections

2. The claims are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

Claim Rejections - 35 USC § 102

- 3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 4. Claims 1,3 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones (US 2,685,981).

Disclosed is closure device 2, closure mechanism 9, peripheral support structure 3, and a closure member as the central opening formed by crossing the deformable structures across one another. To the degree set forth, the closure mechanism is elastically deformable (to a certain degree).

Claim Rejections - 35 USC § 103

5. Claims 1,3, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karesh (US 4,078,686) in view of Jones.

Karesh teaches a plastic container having a closure device at each end.

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Jones teaches it is known to provide a closure having a deformable opening and closing mechanism.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the closures of Karesh with the closure of Jones. Doing so would allow for opening and automatic reclose of the container without removal of the closure device.

Allowable Subject Matter

6. Claims 4-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to claims 1 and 3-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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9. In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at (703) 872-9302 or (703) 872-9303 for after final amendments. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 3720 will be promptly forwarded to the examiner.

10. It is called to applicant's attention that if a communication is faxed before the reply time has expired, applicant may submit the reply with a "Certificate of Facsimile" which merely asserts that the reply is being faxed on a given date. So faxed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

I	hereby certify that this correspondence for Application Serial No.	_ is being facsimiled to
The U.S.	Patent and Trademark Office via fax number (703) 305-3579 on the date	shown below:

Typed or printed name of person signing this certificate					
Signature					
Date					

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin Hylton whose telephone number is (703) 308-1208. The examiner works a flexible schedule, but can normally be reached on Monday - Friday from 9:00 a.m. to 4:00 p.m. (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young, can be reached on (703) 308-2572.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Errica Bembry at (703) 306-4005.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

RAH May 14, 2003

Primary Examiner
GAU 3727